

## **NOTICE OF VACANCY**

The Western Division Housing Court has an opening for a Law Clerk position (see job description) from **September 1, 2006 to August 31, 2007**. In order to be considered for the position an **APPLICATION FOR EMPLOYMENT**, along with a cover letter, resume, law school transcript and writing sample must be submitted to:

**ROBERT G. FIELDS, CLERK MAGISTRATE  
WESTERN DIVISION HOUSING COURT  
ATTN: LAW CLERK POSITION  
37 ELM STREET  
SPRINGFIELD, MA 01103**

Applications for employment are available at all Trial Court locations. This position has an annual salary of **\$47, 018.74**, (effective 7/1/06). (Level 16, Step 1).

Applications will be taken from April 5, 2006 through 4:00 p.m. April 21, 2006.

**No applications will be accepted after the closing date.**

**AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER**

Tel. (413) 748-7838

**TRIAL COURT OF THE COMMONWEALTH  
HOUSING COURT DEPARTMENT, WESTERN DIVISION**

37 Elm Street  
Springfield, Massachusetts 01103



Robert G. Fields  
*Clerk Magistrate*

**Posting Date: April 5, 2006 to April 21, 2006**

**MASSACHUSETTS TRIAL COURT  
Job Description and Qualifications**

**LAW CLERK POSITIONS AVAILABLE  
(From September 1, 2006 to August 31, 2007)**

The Housing Court Department, Western Division has a law clerk position available in its clerkship program for graduates of ABA accredited law schools or those who are statutorily eligible to sit for the Massachusetts Bar Exam, and who possess outstanding legal abilities.

In order to maintain continuity in the program, all law clerks are expected to serve for one year.

**All Application PACKAGES must be received no later than 4:30 p.m. on April 21, 2006.**

POSITION SUMMARY: Researching and drafting of judicial decisions and memoranda for the Justices of the Housing Court Department, Western Division.

MAJOR DUTIES: Researches and assists in writing of judicial decisions. Drafts memoranda regarding issues of law. Responsible for maintaining and updating library materials. Performs other related duties as required.

SUPERVISION RECEIVED: Limited discretion is required and latitude is given to select methodology. Justices review all work product.

POSITION REQUIREMENTS: Ability to write memoranda clearly and concisely. Considerable knowledge of library research materials, court procedures and practices. Law degree from an accredited law school at date of employment (see below). Ability to establish working relationships with justices to allow discussion of drafts and decisions. Ability to adjust to different courthouse surroundings, personnel and procedures. Ability to travel to court locations around Western Massachusetts; including sessions located in Hampden, Hampshire, Berkshire and Franklin Counties.

## QUALIFICATIONS AND SALARY:

1. Qualifications:

- a. All applicants must be available to commence employment no later than September 1, 2006; an earlier date is preferred.
- b. While all applicants must have a law degree from an accredited law school at the date of employment, third or fourth year law students who will complete their studies in the spring of 2006 are eligible to apply.

2. Salary:

\$47,018.74 annual salary (effective 7/1/06). (Level 16, Step 1).

## **PLEASE SUBMIT:**

**READ THE FOLLOWING INSTRUCTIONS CAREFULLY. AN INCOMPLETE APPLICATION PACKAGE WILL NOT BE ACCEPTED.**

A. Each applicant must submit ONE Application Package (“PACKAGE”). The PACKAGE must include **four sets** (original and three copies) of the following, stapled and collated in the given order.

1. **A cover letter.** In a one page cover letter, please explain your interest in a judicial clerkship in the Housing Court. Please indicate whether you are interested in serving in the eastern or western part of the state. Briefly outline your background in housing law.
2. **A completed Massachusetts Trial Court Application for Employment Form (FORM)** (available at all Massachusetts courthouses).
  - a. If you are unable to obtain an original FORM, you may use a duplicate as your original FORM.
  - b. The FORM must be completed in its entirety, unless a section is specifically noted as voluntary. Limit your answers to the space provided on the FORM for each question.
3. **Resume**
4. **Law School Transcript**

- a. We will accept an official or unofficial transcript. Please note, however, that before an offer can be extended, we will require submission of an official transcript.
- b. DO NOT have your law school forward your transcript separately. It must be included in your submitted PACKAGE.
- c. If available, please attach to each copy of your transcript, your law school's grading system explanation.

**5. Writing Sample**

- a. The writing sample may not exceed six pages. It must be typed and double spaced.
- b. The writing sample will consist of a memorandum of law on the following case scenario. Please apply Massachusetts statutes and case law to each scenario, and follow the Blue Book system of citation.  
(Each applicant must complete the writing assignment. No other writing samples will be accepted.)

**LAW CLERK APPLICANT HYPOTHETICAL SITUATION:**

Tammy Tenant agreed to rent an apartment for her and her two children from Larry Landlord with a monthly rent of \$600 and Tammy was responsible for her own heat and electric. Nothing was written down. Only after Tammy moved in did she realize the extent of the problems in the apartment. Many of her windows were rotted and could not be opened without great difficulty. Only a few had screens. The counters and cabinets in the kitchen and bathroom were also very old and falling apart. The flooring in these rooms was also rotted from either dampness or past flooding. It did not take long before the cockroaches and mice made their residence known. Tammy's most serious problem, however, was that her kitchen stove let out a strong odor of gas. The smell was so bad that she and her children would get headaches and nauseous when they were in the kitchen.

The second day she was in the apartment she called Larry to complain about the stove. He told her that the stove was old and that she was just smelling a little gas that got by the pilot light and that the smell was normal. Tammy accepted this explanation at first. But a few days later, she decided to call the gas company which inspected the stove and found that whoever had hooked up the stove to the gas had not done it properly and that there had, indeed, been gas leaking from the connections. The worker shut off the gas for the entire apartment. Though the landlord called his plumber right away, it took seven days for the stove to be fixed and turned back on.

Tammy has never been able to pay a full months rent on time, and four months into the tenancy Tammy found herself \$1000 behind. For this reason, Tammy had been reluctant to ask the

landlord to fix some of the other problems in her apartment. But after a particularly bad heat wave in early August, Tammy asked Larry if he could do something about the windows and the roaches. Tired of tenants such as Tammy who either do not pay their rent or pay late, Larry gave Tammy a rental period notice of termination. The next day, Tammy called the City of Springfield Code Enforcement Department with her complaints. An inspection was done by this office three days later and the landlord was cited for several violations of the State Sanitary Code. After Tammy failed to vacate pursuant to the notice, Larry filed a summary process case seeking her eviction and listing \$2200 as unpaid rent. Tammy filed in a timely manner counterclaims regarding the conditions of disrepair described above.

Assuming that everything stated above was presented by Tammy and Larry at the summary process trial. Prepare a memorandum for the presiding judge regarding what rent is owed, if any, what damages should be awarded to either party for rent claims and/or counterclaims. Furthermore, address the issue of possession under M.G.L. c. 239, §8A, and any equitable relief that might be awarded to either party.

**NOTE:**

1. **Do not send in an incomplete application package with additional submissions to follow. We will not accept amendments or additional information (except for the official transcript). The application package must be complete at the time of submission. WE ARE UNABLE TO CONSIDER ANY INCOMPLETE APPLICATION PACKAGES. WE CANNOT MAKE ANY EXCEPTIONS.**
  2. DO NOT call the Administrative Office with inquiries regarding the receipt of your application. If you would like acknowledgment of the receipt of your application PACKAGE, please include a STAMPED, self-addressed envelope with your PACKAGE. Please allow a reasonable amount of time for the return of the acknowledgment.
- B. Submit the PACKAGE to the address below by the given deadline.
1. **DEADLINE: April 21, 2006.** The PACKAGE must be received in the Clerk's Office of the Western Division Housing Court in Springfield, no later than 4:30 P.M. on April 21, 2006. You must ensure the timely receipt of complete materials. WE CANNOT MAKE ANY EXCEPTIONS.
    - a. Do not mistake the given deadline as the postmark deadline.
    - b. Do not fax any portion of the applications. Faxed applications (in whole or in part) will not be accepted for any reason.

2. The Law Clerk PACKAGE must be submitted to:

Robert G. Fields, Clerk Magistrate  
Attn: Law Clerk Position  
37 Elm Street  
Springfield, MA 01103

**If you have any questions regarding this position, please contact Clerk Magistrate Rob Fields at 413-748-7838.**

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER